



**TOWN OF GREENWOOD
TOWN COUNCIL MEETING
100 W. Market Street
Wednesday, June 8, 2022 @ 6:30 P.M.**

APPROVAL OF MINUTES

1. Town Council Meeting Minutes May 11, 2022

POLICE

1. Verbal Report

TOWN MANAGER REPORT

1. Verbal Report – Janet Todd

OLD BUSINESS

1. Employee handbook revisions

NEW BUSINESS

1. Appointment of new member to Planning Commission
2. Discussion of possible Ordinances revisions
3. Discussion of posting for hiring of new Police officer

EXECUTIVE SESSION . Executive session to discuss personnel matters in which the names, competency and abilities of an individual employee will be discussed

ADJOURNMENT

NOTES:

AGENDA SHALL BE SUBJECT TO CHANGE TO INCLUDE ADDITIONAL ITEMS (INCLUDING EXECUTIVE SESSIONS) OR THE DELETION OF ITEMS (INCLUDING EXECUTIVE SESSIONS), WHICH ARISE AT THE TIME OF THE MEETING. [29 Del. C. Sec.10004 (e)(3)].

ALL ITEMS ON THE COUNCIL MEETING AGENDA ARE SUBJECT TO A POTENTIAL VOTE.

AGENDA ITEMS MAY BE CONSIDERED OUT OF SEQUENCE.

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on May 3, 2022, at least seven (7) days in advance of the meeting.

PAID TIME OFF

Current	Changes	Explanation
Holidays	New Year's Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving and the day after Thanksgiving Day; Christmas day and Christmas Eve day	New Years Day, Good Friday, Memorial Day, Independence Day, Labor day, Veterans Day, Martin Luther King, Jr. Day, Juneteenth , Thanksgiving and the day after Thanksgiving, Christmas Eve and Christmas Day
Working Holidays	For positions requiring holiday hours, an alternate day can be taken during the pay period. If that is not feasible, the alternate day may be taken during the next two-week pay period, with the permission of the manager.	For positions requiring holiday hours, the employee will be compensated at a rate of one and half times their normal hourly rate. Only one employee per Department may work holiday hours unless an emergency situation is declared by the Town Mayor. This change pays those who have to work a holiday one and one half the amount of their normal pay but controls this costs by limiting the employees that can work during holidays to one unless the Mayor declares an emergency.
Vacation Leave	On completion of the years of service indicated, annual vacation entitlements are as follows: 1 year – 2 weeks; 5 years – 3 weeks; 10 years – 4 weeks; 20 years – 5 weeks	On completion of the years of service indicated, annual vacation entitlements are as follows: 1 year – 2 weeks; 5 years – 3 weeks; 10 years – 4 weeks; 20 years – 5 weeks. For purposes of clarity, employees will begin receiving the increased amount of vacation leave listed upon completion of the listed number of years. For example, an employee starting his or her fifth year of employment will receive two weeks of vacation, but upon starting the sixth year of employment (i.e., completing the fifth year) will begin receiving three weeks of vacation. No Change. We just added an example to illustrate that vacation time does not accumulate until after the year of service, e.g. 2nd year, 6th year, 11th year, and 21st year of service

Adopted 5-2-2006
Revised w/amendments 8-11-09
Revised w/amendments 10-6-09
Revised w/amendments 4-1-14
Revised w/amendments 5- - 22

Town of Greenwood

Employee Handbook

Section 1

Administration and Contents

Town of Greenwood

Employee Handbook – Table of Contents

	Page
SECTION 1	
NOTICE TO EMPLOYEES	v
EMPLOYEE ACKNOWLEDGMENT	vi
SECTION 2	
GENERAL INFORMATION	2
Purpose	2
Employment-at-will	2
Equal Employment Opportunity	3
Workplace discrimination and anti-harassment	4
Conflicts of interest	6
Drugs and alcohol	6
Safety and Health	7
Criminal conduct	7
Equipment and property	7
RECRUITMENT, HIRING AND EMPLOYMENT	
Applications	8
Notice of vacancies	8
Ethics in employment	8
Employment testing	9
Verification of work eligibility	9
Orientation	9
Employment classifications	10
Probation period	10
EMPLOYEE CONDUCT	
Work standards	10
Workplace Conduct and Disciplinary Standards	11
Timeliness	13
Attendance	13
Appearance	14
Gifts and gratuities	14
Communications and telecommunications	14
Technology and social media usage	14
Smoking	16
COMPENSATION POLICIES	
Establishment of pay system	16

	12
Compliance with state and federal pay acts	16
Right to change compensation	16
Pay schedule	17
Payroll deductions	17
Reporting Hours Worked	17
Work Periods	17
Overtime compensation	18
On-The-Job Injuries	18
Expense reimbursement	18
Promotions, lateral job changes, and demotions	18
EMPLOYEE BENEFITS	
Health, dental and life insurance	19
Social Security	19
Pension	19
Workers compensation	20
Unemployment compensation	20
Education and training	20
LEAVE TIME	
Work leave time	21
PAID TIME OFF	
Holidays	21
Vacation leave	21
Sick leave	22
Emergency or bereavement leave	23
UNPAID TIME OFF	
Military leave, voting and jury duty	23
Volunteer Emergency Responders	23
Family and Medical Leave Act (FMLA)	24
EMPLOYEE PERSONNEL RECORDS	
Personnel files	25
Leave records	25
EMPLOYEE DISCIPLINE	
"At-Will" employment	25
Dispute resolution / grievances	25
Separation from employment	26
Insurance continuation after separation	26
APPENDICES	

NOTICE TO EMPLOYEES

The Town of Greenwood employment practices operate under the legal doctrine known as "employment at will". Within state and federal employment law, Town of Greenwood has the right to terminate an employee at any time and for any reason, with or without notice except that Town of Greenwood will comply with any applicable state and federal legal requirements requiring notice and an opportunity to be heard in the event of discipline or dismissal. The policy of at-will employment cannot be changed or modified except in a written agreement signed by either the Mayor or the Town Manager. Town of Greenwood will attempt to ensure that employee terminations are not made in an arbitrary or capricious manner. However, this handbook and the personnel policies referenced do not constitute or imply a contract, agreement, promise or guarantee of employment or continued employment. Town of Greenwood also reserves the right to change these policies at any time and without prior notice to employees.

Employees covered by union contract, or those working in specifically covered jobs, such as emergency, law enforcement or detention facility personnel, should use the handbook supplement supplied to them by their department head.

Town of Greenwood is an "Equal Opportunity Employer." It is the policy of Town of Greenwood that all personnel actions are conducted in a manner that provides equal opportunity to all employees and prospective employees. Every effort is taken to ensure that employees and prospective employees are treated fairly and their civil rights protected.

_____ Mayor	_____ Town Manager
_____ Councilor	_____ Councilor
_____ Councilor	_____ Councilor

EMPLOYEE ACKNOWLEDGEMENT

By signing below, I acknowledge that it is my responsibility to have read and understood the policies outlined in this employee handbook. I understand that the handbook is intended only as a general reference and not a full statement of policies and procedures or a legal contract.

I agree to keep this book in my possession during my employment and to update it whenever provided with materials to do so.

I further understand that each handbook is the property of Town of Greenwood. I agree to return the book upon terminating my employment with Town of Greenwood.

I also understand Town of Greenwood employment practices operate under the legal doctrine known as "employment at will," and that the policy of at-will employment cannot be changed or modified except in a written agreement signed by either the Mayor or the Town Manager. Subject to any applicable limits set by state and federal employment law, the Town of Greenwood has the right to terminate an employee at any time and for any reason, with or without notice. Likewise, I may terminate my employment with the Town at any time, for any reason.

(Signature)

(Date)

(Printed name)

SECTION 2

GENERAL INFORMATION

This handbook is NOT a contract. No contract of employment with the Town of Greenwood will be valid unless it is signed in accordance with proper procedures by a authorized representative of the Council of the Town of Greenwood AND unless it is signed by and contains the name of the employee who would be benefited by the contract.

The policies and benefit offerings outlined in this handbook are subject to change at any time, without notice. Changes may be made at the sole discretion the Town of Greenwood. Any changes thereto supercede any prior written, verbal or implied policies.

Purpose

This handbook outlines the employment policies of the Town of Greenwood. The policies will inform employees of their benefits and responsibilities of their employment. The Town of Greenwood has developed these policies for the purpose of promoting fair and consistent practices by managers and employees.

The Town of Greenwood's employment practices policies will apply equally to all employees, unless exempted by law, contract or the terms of a policy. Where federal or state laws or regulations supersede the Town of Greenwood policies, employees will be instructed to observe the requirements of these state and federal laws.

This handbook provides a summary of the employment policies of the Town of Greenwood. Employment practices policies, in their complete form, are available in Human Resources. Copies have been given to employees at orientation.

Employment-At-Will

The Town of Greenwood employment practices operate under the legal doctrine known as "employment at will". Within state and federal employment law, Town of Greenwood has the right to terminate an employee at any time and for any reason, with or without notice, except that the Town of Greenwood will comply with any applicable state and

federal legal requirements requiring notice and an opportunity to be heard in the event of discipline or dismissal. The Town of Greenwood will attempt to ensure that employee terminations are not made in an arbitrary or capricious manner. However, this handbook and the personnel policies referenced do not constitute or imply a contract, agreement, promise or guarantee of employment or continued employment. The Town of Greenwood also reserves the right to change these policies at any time and without prior notice to employees; provided, however, that the policy of at-will employment cannot be changed or modified except in a written agreement signed by either the Mayor or the Town Manager..

Equal Employment Opportunity

It is the policy of the Town of Greenwood to provide equal employment opportunity to employees and applicants for employment without regard to race, creed, religion, color, sex, age, national origin, sexual orientation, gender identity, disability, reproductive health decisions, genetic information, family responsibilities, military status, status as a victim of domestic violence, a sexual offense, or stalking, or any other classification protected under applicable law.

Equal employment opportunity applies to all terms, conditions and privileges of employment, including hiring, probation, training, promotion, transfer, compensation, benefits and assistance, layoff, recall, employee facilities, discharge, and retirement.

Any employee who feels that he or she has been subjected to any violation of the Equal Employment Opportunity policy should report the matter to the Practice using the reporting procedure described in the Workplace Discrimination and Anti-Harassment Policy appearing below.

As part of its commitment to ensuring equal employment opportunities, the Town of Greenwood will provide reasonable accommodations to qualified individuals with disabilities to enable them to perform the essential functions of their jobs or to enjoy the equal benefits and privileges of employment. An employee with a disability may request an accommodation from the Town and engage in an informal process to clarify what the employee needs and to identify possible accommodations. If requested, the employee is responsible for providing medical documentation regarding the disability and possible accommodations. All information obtained concerning the medical condition or history of an applicant or employee will be treated as confidential information, maintained in separate medical files, and disclosed only as permitted by law

For purposes of this policy, a disability includes an employee's disability caused or contributed to by pregnancy. Disabilities caused or contributed to by pregnancy shall be considered temporary disabilities and shall be treated as such under any applicable insurance or sick leave plan. Reasonable accommodation due to a pregnancy related disability may include changing an employee's job duties, work hours, or work area, providing mechanical or electrical aids, transfer to a less strenuous position or providing

unpaid leave, provided the accommodations do not pose an undue hardship on the company.

Workplace Discrimination and Anti-Harassment

The Town of Greenwood policy prohibits any employee acts of discrimination or harassment.

The Town of Greenwood is committed to a work environment in which all individuals are treated with respect and dignity, and are free from harassment. Therefore, the Town expects that all relationships among employees will be business-like and free of bias, prejudice and harassment.

It is the policy of the Town of Greenwood to prohibit any harassment on the basis of race, creed, religion, color, sex, age, national origin, sexual orientation, gender identity, disability, reproductive health decisions, genetic information, family responsibilities, military status, status as a victim of domestic violence, a sexual offense, or stalking, or any other classification protected under applicable law.

The Town of Greenwood encourages reporting of all incidents of discrimination or harassment. It is the policy of the Town to promptly and thoroughly investigate such reports. The Practice prohibits retaliation against any individual who reports discrimination or harassment or who participates in an investigation of such reports.

Definitions of Harassment

For the purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include:

- a) unwanted sexual advances or requests for sexual favors;
- b) sexual jokes and innuendo;
- c) verbal abuse of a sexual nature;
- d) commentary about an individual's body, sexual prowess or sexual deficiencies;
- e) leering, whistling or touching; insulting or obscene comments or gestures;
- f) display in the workplace of sexually suggestive objects or pictures;
- g) and other physical, verbal or visual conduct of a sexual nature.

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, creed, religion, color, sex, age, national origin, sexual orientation, gender identity, disability, reproductive health decisions, genetic information, military status or any other classification protected under applicable law, and that a) has the purpose or effect of creating an intimidating, hostile or offensive work environment; b) has the purpose or effect of unreasonably interfering with an individual's work performance; or c) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is circulated in the workplace, whether on Practice time or using Practice equipment via e-mail, phone (including voice messages), text messages, tweets, blogs, social networking sites or other means.

Individuals and Conduct Covered

These policies apply to all applicants and employees, whether related to conduct engaged in by fellow employees or someone not directly connected to the Town of Greenwood (e.g., an outside vendor or consultant).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, meetings and Town-related social events.

Complaint Process

If an employee feels that he or she is a victim of conduct of the type listed above or of any type of harassment or discrimination, or feels that he or she has witnessed an incident of harassment or discrimination, by any officer, manager, employee, client, or any other person doing business with the Town of Greenwood, he or she should immediately bring the attention of the Town Manager; police officers should report all such matters to the Chief of Police. If the Town Manager is the subject of the report, the report should be brought to the attention of the Mayor. It is very important that problems of this type be brought to the attention of the Town as promptly as possible.

The Town of Greenwood encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The investigation may include confidential individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

Retaliation Prohibited

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action up to and including termination of employment. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

Conflicts of Interest

Employees may not enter into dealings or financial interests in contracts and services performed by Town of Greenwood. This includes deriving any direct or indirect profit resulting from the sale, service, contracting or purchases made on behalf of the Town of Greenwood.

Town employees may not accept financial benefits that would reasonably tend to influence decisions or encourage that employee to disclose confidential city business. Any offers of money, services, benefits, favors or other possible conflicts should be discussed with supervisors and/or city legal counsel.

Employees are protected from requirements, whether real or implied, to contribute time or money to any person or party. Soliciting political party campaign contributions, promoting fund-raising drives and even encouraging subordinates and colleagues to contribute to community non-profit organizations are prohibited activities. Violators will be subject to disciplinary procedures.

Town employees, with the exception of elected officials, are not allowed to participate in political activities while working for the Town of Greenwood. No city property such as equipment, buildings or vehicles can be used to display campaign materials and may not be used for any other political activity.

Drugs and Alcohol

The Town of Greenwood has implemented a Drug-Free Workplace policy and program. This includes the prohibition of possession or distribution of any controlled substance or alcoholic beverage at work, or while in a position representing the Town of Greenwood business. Violation will result in disciplinary action, up to and including termination.

It is also a violation of policy for an employee to illegally use prescription drugs or to report to work under the influence of illegal controlled substances and/or alcohol.

The Drug-Free Workplace policy is distributed during new employee orientation, and again when any changes in the policy take place. The policy outlines the disciplinary action taken when employees violate Town of Greenwood's standard. The Town of Greenwood's program provides information about the risks of illegal drug use and alcohol use in the workplace, as well as information about counseling and treatment.

Testing for the Town of Greenwood employees includes pre-employment testing, post-accident testing and reasonable suspicion. Those employees operating vehicles may also be subject to random alcohol and drug testing.

Safety and Health

The Town of Greenwood requires employees to conduct job tasks safely to protect themselves and others at work. Every accident, near-miss, or injury needs to be reported to a supervisor immediately. The supervisor or manager of the department will file an incident report, first report of injury, and/or incident investigation report, as appropriate.

In the case of an injury requiring medical attention, employees should seek the nearest medical facility in case of serious injury. In other cases, the injured employee should seek medical attention using the Town of Greenwood's preferred workers compensation health provider list. Upon return to work, a physician's statement of medical condition and release to return to work must be submitted to the Town Manager's office.

If a workplace injury requires long term medical attention, the injured employee will work with the supervisor and the Town Manager's office to decide on return to work, light duty job opportunities, and eligibility for continuing employment. In the case of permanent disability due to job injury, a final release and settlement may be arranged, if appropriate based on the circumstances.

Criminal Conduct

Employees will not engage in any criminal conduct or conduct which, even though not criminal, may reflect adversely upon the Town of Greenwood or its officials. Activity of this nature will result in disciplinary action, up to and including termination.

Equipment and Property

Employees are provided adequate tools, equipment, and vehicles to perform their job. It is the responsibility of employees to use them safely and to cooperate in the maintenance of equipment owned by the Town of Greenwood. Any employee operating a Town of Greenwood vehicle is required to have a current state driver's license. When using a personal vehicle for conducting Town of Greenwood business, the employee must provide proof of personal automobile liability coverage.

Any accident involving a Town of Greenwood vehicle or a personal vehicle while conducting Town of Greenwood business, the accident must be reported immediately to the appropriate law enforcement agency and to the employee's supervisor.

RECRUITMENT, HIRING AND EMPLOYMENT

Applications

Civilian employment applications will be accepted in the office of Town Manager and police officer application in the office of the Chief of Police. Applications received at times other than when direct solicitations are made for a particular position, will be kept on file in the office of Town Manager for a period of one year to be accessed by any Town of Greenwood department or function seeking an employee. Placement of a completed application in the Town Manager's file will not constitute application for any specifically advertised position and will not require further action by any elected official or Town of Greenwood administrative person.

Notice of Vacancies

All vacancies in Town of Greenwood will be announced in the following manner:

- i. advertising in a newspaper of general circulation in the Town of Greenwood area
- ii. posting on the public "Bulletin Board" in the Town Hall

Mailings or solicitations to local employment agencies may also be used. The employment application solicitation process will also include a recruiting effort which may extend beyond the Town of Greenwood when deemed necessary to obtain applications from individuals with necessary technical skills or other specialized qualifications.

Ethics in Employment

No person will be employed by Town of Greenwood when that employment would result in a violation of the ethics in government provisions found in Town of Greenwood. Any such appointment may be voided by the Town Council if not done voluntarily by the hiring department.

No hiring authority may appoint or vote for the appointment of his/her father, mother, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law to any position within the same department.

No person will be hired if such hiring would result in a direct or indirect supervision conflict due to a relationship between the prospective employee and a supervisor which falls within any relationships described in the two paragraphs above.

Employment Testing

Tests for job applicants will be limited to skills or performance testing, to determine the level of competence or ability to perform certain tasks associated with the job being sought. An applicant will be disqualified from consideration for employment in a position if he or she does not meet the job qualifications for that position.

For employees required to drive or operate equipment, which requires a driver's license, driving records and license validity will be checked.

Verification of Work Eligibility

The employing department is responsible for verifying the applicant's employment experience, education, and skills before extending a job offer to the applicant.

By federal law, each new employee must, within the first three days of employment, complete and sign an USCIS Form I-9, and show proof of identity and eligibility. The new applicant must have also completed a W-4 form, insurance forms, insurance information about dependents, the employee acknowledgement from Employee Handbook and any other necessary employee benefit forms.

If the applicant knowingly makes a false statement on the application form; cannot legal hold the position; offers money, service, or anything of value to win favor during the application process he or she may be disqualified. Finally, if the prospective employee does not meet the physical requirements when tested; or has not provided proof of citizenship or legal work status within the first three days of employment, they may be disqualified.

Orientation

The Town Manager's office provides general orientation about Town of Greenwood and the benefits of employment. Each employee will receive a copy of the Employee Handbook and any applicable workplace rules. It is the responsibility of the employee to read and gain an understanding of the handbook and work rules. The employee will acknowledge receipt of the handbook; periodic updates will also be acknowledged.

In most cases, actual job duty orientation and training will be given within the specific department in which he or she will work.

Employment Classification

Full-time regular employment consists of at least 40 hours of work each week. This group includes both exempt and non-exempt classifications. Regular full-time employees are eligible for Town of Greenwood benefits.

Part-time regular employees are those whose work hours are regularly scheduled for 30 or more hours per week, but fewer than 40 per week. They are eligible to receive reduced employee benefits in accordance with policies adopted by the Town of Greenwood. The scope of benefits received may vary proportionately with the number of hours typically scheduled for a part-time regular employee. Certain benefits will not be available to part-time regular employees.

Hourly employees are those whose work schedule is, typically, fewer than 30 hours per week. Hourly employees will not receive the benefits provided to regular employees, except those required by law (e.g. Social Security, workers compensation). Hourly employees are not entitled to sick leave, vacation pay or holiday pay.

Temporary full-time and temporary part-time employees are those hired for a period of less than six months. Full-time or part-time temporary employees may be exempt or non-exempt, but are only eligible to receive benefits mandated by law (e.g. Social Security, workers compensation).

Probation Period

New employees or those that are promoted or transferred to another work group will serve a ninety (90) day probation period. Any significant time, totaling more than five days, the employee is absent during this period extends the probationary period for the amount of time missed. Accumulated leave will not be paid to employees resigning or terminated during the first six months of employment. Completion of the probationary period does not alter the at-will nature of employment.

EMPLOYEE CONDUCT

Work Standards

Every employee must remember that the Town of Greenwood is a tax-supported entity and the citizens of Town of Greenwood paying those taxes should receive the best possible quality and highest standard of service possible. Public employees should act in a professional manner, using good judgement and courtesy at all times, and should avoid any type of behavior that would even appear illegal or unethical. Employees should carry out their work efficiently, honestly and with the intention of keeping good relationships with the public.

Individual employees must be responsible to their supervisor. Work directions and results, measurement of performance and handling grievances are the responsibility of the supervisor.

Occasionally, a manager, other than their direct supervisor, may give employees directions. In these instances, it is the employee's responsibility to inform the supervisor of the situation.

Communication with the public about Town issues is the responsibility of the Town Manager. Any controversial or unusual request or question from the public must be referred to that official. Unless authorized to do so, employees should not make statements on behalf of the Town. Notwithstanding the foregoing, the Chief of Police may make press releases concerning arrests and police raids.

Workplace Conduct and Disciplinary Procedures

All employees are expected to contribute to a positive work environment. Behaviors which are considered by the Town of Greenwood to be inappropriate may lead to discipline up to and including termination. As an employee at will, your employment may be terminated by the Town at any time for any reason, including termination based upon inappropriate conduct. Although it is not possible to list all the forms of behavior that are considered unacceptable in the workplace, the following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

1. Malicious or willful destruction or damage to Town property or supplies, or to the property of another employee, client, or visitor.
2. Stealing, embezzling, or removing without permission Town property or the property of another employee, client, or visitor, or attempts to steal, embezzle, or remove.
3. Obtaining your job by lying or giving false or misleading information; falsifying any employment documents or records, including your or a coworker's time records; and other acts of dishonesty.
4. Bringing or possessing firearms, weapons, or other hazardous or dangerous devices or substances onto Town property without proper authorization.
5. Possession, use, or sale of alcoholic beverages or illegal drugs on Town property, or reporting for duty under the influence of alcohol or illegal drugs.
6. Failure to properly and timely complete assigned tasks.
7. Fighting on Practice or client property.

8. Gambling while on Practice or client premises or business.
9. Punching in or out for another employee or misrepresenting your hours worked.
10. Failure to follow Practice procedures for protecting the confidentiality of the Practice's confidential financial information, patient information, or other non-public proprietary Practice information.
11. Absence from work for two or more consecutive scheduled workdays without notifying the Practice.
12. Unsatisfactory job performance.
13. Not following a work or safety rule.
14. Tardiness or excessive absence from work or your work area, including taking too long for lunch and break periods.
15. Leaving Practice or clients' premises or your job for non-work-related business or personal reasons during working hours without notifying your supervisor.
16. Horseplay or any other action that is dangerous to others or to Practice or client property, or that disrupts work.
17. Working unauthorized overtime.
18. Carelessness or negligence in doing your job.
19. Unauthorized use of the property of the Practice, an employee, an independent contractor, or a client.
20. Sleeping while on duty.
21. Excessive absenteeism.
22. Working off-the-clock.

The Town of Greenwood may initiate disciplinary action to address poor performance or conduct that violates the Town's policies or standards of conduct. Such discipline may include termination of employment; however, the Town may utilize one or more the following disciplinary actions depending upon the circumstances at issue:

1. **ORAL REMINDER/COACHING SESSION** - An Oral Reminder may be the first step in the disciplinary process wherein a performance issue is brought to the employee's attention, and the supervisor communicates with the employee about ways to solve the problem and establishes a date when they will meet again to insure that progress is being made in resolution of the problem. The Oral Reminder will be documented and placed in the employee's file.
2. **WRITTEN WARNING/PERFORMANCE IMPROVEMENT PLAN**– The written warning or Performance Improvement Plan (PIP) is generally issued for serious rule violations or continued occurrences of violations or substandard job performance for which an oral reminder has been issued. Written warning and PIP's will become a part of the employee's file.
3. **FINAL WRITTEN WARNING/SUSPENSION** – This is generally the final step of the disciplinary process before termination, or may be issued for a serious performance problem or rule violation even without prior disciplinary action. Further performance problems or rule violations may be cause for termination. Due to the serious nature of a Final Written Warning, an employee may also be placed on a disciplinary suspension as a result of the misconduct associated with the written warning.
4. **TERMINATION** – Termination without prior disciplinary action may occur for many reasons including poor work performance and/or violation of the Town's policies. While other disciplinary actions may be imposed, termination may be the immediate result of a serious violation of rules.

Nothing in this policy shall be construed as altering the Town of Greenwood's policy of at-will employment.

Timeliness

Employees are to report for work on time and to be punctual for appointments and meetings. Furthermore, work is to be completed at the time it is due. Frequent tardiness can result in disciplinary action or termination.

Attendance

If an employee is going to be absent, he/she must report that absence within the first 15 minutes of the scheduled start time, except for Police Officers who must inform their supervisor two (2) hours prior to the start of their shift. Failure to report, other than in an emergency situation may result in disciplinary action. Unexcused absences can lead to discipline or termination.

Appearance

Citizens observe employees of Town of Greenwood often in the course of their work. As Town of Greenwood's representatives, employees are asked to meet high standards both in the quality of their work and in presenting a professional image to the public. While there is not a formal dress code, employees are expected to maintain good physical grooming, have a neat and clean appearance, and display a pleasant disposition to citizens and colleagues.

Uniforms may be required for certain Town of Greenwood jobs. Employees will be responsible to keep their uniforms clean and neat.

Gifts and Gratuities

Town of Greenwood employees and officers are not allowed to receive gifts or gratuities in any personal or professional capacity that could even create the impression that the giver was seeking favor or trying to influence an opinion or a judgement from the employee or official.

Communications and Telecommunications

Any communication with the public is the responsibility of Town of Greenwood management or the person designated for that communication. Any non-routine or controversial questions or those out of the scope of the employee's job duties should be referred to the person designated to communicate on behalf of Town of Greenwood.

Town of Greenwood telephones are to be used for Town of Greenwood business. Personal calls should be limited both in frequency and length of the call. Long distance personal calls are not allowed, except in particular situations, which should have approval of the manager or supervisor.

Technology and Social Media Usage

1. Purpose. The Town of Greenwood recognizes the ever increasing importance of the effective use of technology in the day-to-day operations of the town. As the town becomes more technologically advanced, the need for policies and procedures regulating employees' use of technology owned and operated by the town increases. These policies and procedures are intended to establish and clarify procedures and acceptable uses of town-owned technology by employees. Violations of this policy are grounds for employee discipline, up to and including dismissal, as outlined in the Town of Greenwood Employee Handbook,
2. Definitions.

- a. "Town-owned technology" includes, but is not limited to, all computer equipment and software owned or leased to the town, land line telephones and cell phones paid for by the town, websites, internet services paid for by the town, emails, text messages, files, internet browsing history, and all information transmitted or stored through the town's network or equipment.
 - b. "Social media" includes, but it not limited to, Facebook, Twitter, LinkedIn, Instagram, blogs, social networking sites, and all other applications or websites of a similar nature and use.
- 3. Town-owned Technology Usage. Town-owned technology is provided by the town for purposes of enhancing employee efficiency and performance in carrying out the town's business operations and is property of the town. Except as authorized by the town manager in emergency situations, employees are prohibited from using town-owned technology for any purposes not related to the town's business operations, irrespective of whether the usage occurs before, during, or after an employee's scheduled working hours. By way of further clarification, employees are prohibited from using town-owned technology for inappropriate uses, including, but not limited to the following:
 - a. Accessing or using social media;
 - b. Using town-owned technology in violation of any town policy, including the Workplace Discrimination and Anti-Harassment Policy;
 - c. Using town-owned technology to create, send, or receive messages, pictures or computer files which are fraudulent, illegal, pornographic, obscene, sexually suggestive, insulting, sexist, racist, discriminatory, or harassing;
 - d. Using town-owned technology to conduct illegal activities;
 - e. Loading software which is not approved in advance by management;
 - f. Making illegal copies of licensed software; and/or
 - g. Using software that is designed to destroy data, provide unauthorized access to town-owned technology, or which would disrupt the usage of town-owned technology in any way.
- 4. Use of Town Website and Social Media by Town. The Town of Greenwood website and any social media sites hosted by the town shall be maintained and updated by the town manager and/or his or her designated web administrator. All information posted by the town to the town website or social media shall receive prior approval by the town manager and/or the web administrator.
- 5. Use of Social Media by Employees. Employees are prohibited from accessing or using social media during working hours, irrespective of whether such usage occurs via town-owned technology or personal technology devices (e.g. cell phones, tablets, laptops, etc.). Employees may use social media during lunch breaks or any other breaks sanctioned and approved by the town provided that town-owned technology is not used.

6. No Privacy Expectation; Monitoring. Employees have no expectation of privacy, confidentiality, or ownership in town-owned technology. Employees have no expectation of privacy or confidentiality in social media located in the public domain. The town may audit and monitor town-owned technology used by an employee, and any social media used by an employee located in the public domain, based on a reasonable suspicion of a violation of this policy or based on any other legitimate work related rationale. All employees are under an obligation to report to the town manager any violations of this policy. If an audit may uncover or involve confidential information related to police investigations, the Town Council shall appoint an individual with the proper authority and clearance to perform the audit. To whatever extent applicable, audits involving members of the Greenwood Police Department shall be conducted pursuant to 11 Del. C. Ch. 92 (Law-Enforcement Officers' Bill of Rights).

Smoking

Town of Greenwood is committed to providing a safe and healthy work place and prohibits smoking in Town of Greenwood facilities and vehicles.

COMPENSATION POLICIES

Establishment of Pay System

Town of Greenwood compensates employees in accordance with decisions by the Town Council as budgets are set. Pay for any given position is subject to the annual budgetary process and, as such, may be subject to increase, reduction, or status quo maintenance for any time period. The Town Manager may make suggestions about salary compensation and other pay system concerns but the final decision regarding compensation levels rests with the Town Council of the Town of Greenwood.

Compliance with State and Federal Pay Acts

The Town of Greenwood will comply with any applicable state and Federal pay acts respecting the compensation of employees for services performed.

Right to Change Compensation

The Town of Greenwood reserves the right to change compensation for any reason deemed appropriate by the Town Council. Compensation may also be adjusted based upon job performance and the availability of funds to maintain a solvent Town of Greenwood budget.

Pay Schedule

Employees are paid on a weekly basis throughout the year. Paychecks are issued by the office of the Town Manager. Paychecks compensate employees for work performed in the pay period week immediately proceeding the week-day that the check is issued. Paychecks are distributed at the workplace prior to 5:00 p.m. on payday.

Payroll Deductions

No payroll deduction will be made from an employee paycheck unless authorized by the employee or required by law. Employees are required to report changes in family status, address or other information that could affect amount of deductions withheld. These include Social Security and income taxes, retirement system contributions, court-ordered child support, and any other deductions required by law. Additionally, deductions may be authorized for employee contributions to health and dental insurance, supplemental insurance and deferred compensation plans requested by the employee.

If you are classified as an exempt salaried employee, you will receive a salary which is intended to compensate you for all hours you may work for the Town of Greenwood. While the salary may be subject to review and modification from time to time, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform. If you believe you have been subject to any improper deductions, you should immediately report the matter to your supervisor. If the supervisor is unavailable or if you believe it would be inappropriate to contact that person (or if you have not received a prompt and fully acceptable reply), you should immediately contact your manager or the Town Manager. Any such issues will be promptly reviewed; in the event that it is determined that a deduction was improperly made, the amount shall be promptly restored.

Reporting Hours Worked

It is the responsibility of for those employees who are required to maintain a time sheet, to properly record the time that he/she has worked during a payroll period. At the end of the reporting period, the employee will sign the time sheet, verifying its accuracy. The supervisor will counter-sign the time sheet, indicating that the hours claimed were actually worked.

Work Periods

The work week for all regular employees who complete time sheets will begin at 12:01 a.m. on Sunday of each week and conclude at 12:00 a.m. of the succeeding Sunday. For all non-exempt employees, if hours actually worked exceed 40 in a workweek, premium compensation will be paid. Overtime will be allowed only when authorized by an appropriate supervisor or when absolutely necessary in an emergency.

Overtime Compensation

Overtime work must be approved or when absolutely necessary in emergencies or special conditions. Overtime is the hours worked by an employee in excess of the allowable number of hours per day as written in the Fair Labor Standards Act (FLSA) and/or in excess of generally 40 hours per week. Paid Time Off shall not be considered hours worked for purposes of determining whether an employee qualifies for Overtime Compensation. For example, an employee who works four out of five scheduled eight-hour shifts in a week while using one day of sick leave, but then works four extra hours on a weekend day, will not be eligible for overtime since the employee would not have worked forty total hours during the workweek. Overtime hours are paid at one and one-half times the usual hourly wage.

Certain employees are exempt from receiving overtime pay based upon the nature of their position. Exempt employees are expected, at times, to work extra hours as directed by their supervisor or other Town officials.

On-The-Job Injuries

All on-the-job injuries must be reported to the Town Manager's office as soon as practicable to allow filing of worker's compensation claims in the proper manner. If an employee is disabled temporarily by an on-the-job accident, he/she is eligible for worker's compensation and will not be charged with any vacation or sick leave time while away from his/her position.

Expense Reimbursement

An employee will be reimbursed for expenses incurred in completing his/her work-related assignment in accord with the policies established by the Town of Greenwood. Each employee is responsible for providing verified receipts for any expense for which reimbursement is requested. Expenses must be approved in advance.

Promotions, Lateral Job Changes, and Demotions

Jobs are posted internally, allowing current employees five days to post for promotions or lateral transfers (changing to another job in the same pay class).

Promotions are those job changes that result in advancement to higher positions with greater responsibility. Salary increases are subject to approval by the department head, in accordance with approved budget limits.

Lateral job moves are changes to positions with the same level of pay. An employee taking a lateral transfer, whether by the employee's request or the manager's requirement, will retain the same amount of accrued leave and seniority. If the employee's current salary is in the approved salary range, they will not receive any reduction in pay as a result of a lateral move.

Demotions require an employee to change to a lower paid position with a lower level of job responsibility. The demotion may be the result of a disciplinary action, a job reclassification or unsatisfactory work performance.

The Town of Greenwood reserves the right to make decisions regarding job changes at its discretion.

EMPLOYEE BENEFITS

The Town of Greenwood provides certain benefits to eligible employees. The terms of those benefit plans, including eligibility requirements, are set forth in the applicable plan documents. To the extent any information contained in this handbook is inconsistent with the terms of a plan document, the terms of the plan document will be controlling. The Town reserves the right to modify or discontinue its benefit program offerings to the full extent permitted by applicable law.

Health, Dental, and Life Insurance

Employees working regular full-time hours (at least 40 hours per week) will be eligible to participate in the health, dental and life plans offered by Town of Greenwood.

Social Security

Town of Greenwood employees are covered by Social Security. Town of Greenwood contributes to the Social Security Program on behalf of employees.

Pension

Civilian Employees:

The Town of Greenwood also contributes 8% of gross earnings to a pension fund on behalf of regular full time civilian employees. The employee must participate in the pension system upon hiring. After \$2,000 accumulates at 8% of gross earnings, employees are fully vested in their investment fund. If employment with Town of Greenwood is terminated before retirement, employees continue to own their pension account. The funds placed in the pension fund by the Town of Greenwood are intended for the employee to purchase of an annuity at retirement, but the Town of Greenwood does not guarantee or warrant any performance of the investment fund. No withdrawal from the fund may be made by any employee while employed with the Town of Greenwood.

Police Employees:

Members of the Greenwood Police Department may elect to participate either: (a) in the Town's pension program for civilian employees or (b) (provided that they qualify for coverage under the terms of such statute and provided that the Town has opted, in accordance with 11 Del.C. 8805, to participate and has been accepted into such plan) in the Delaware County and Municipal Police/Firefighter Pension Plan available to such employees under 11 Del.C. Chapter 88, but not both.

In accordance with 11 Del.C. 8842 (as it may from time to time hereafter be amended, or in accordance with any future corresponding provision of law), the amount to be contributed by the Town to the County and Municipal Police/Firefighter Retirement Fund shall be the percentage of covered payroll approved by the Board on the basis of the most recent actuarial valuation and shall equal (i) the normal cost; plus (ii) adjustments for actuarial gains and losses or increases in benefits adopted on or subsequent to participation; plus (iii) administrative costs. [As of August 1st, 2009, the total amount that the Town is obligated to pay into the plan under Section 8842 is 13% of the employee's gross wages.] In addition, as required by 11 Del.C. 8844, the Town shall "pick up" and pay the contributions which would otherwise be payable by covered employees as a "pre-tax" payroll deduction from their paycheck under § 8841.

Anything to the contrary herein notwithstanding, the Town shall not be obligated to adopt any resolution to apply for participation in the state plan, or to contribute, or set aside and contribute at a later time, any amounts to the state pension plan, during any period of time when, by statute or resolution of the General Assembly, executive order, or policy of the State Pension Department, any stay, moratorium, or freeze on such contributions or on the acceptance of new participating municipalities is in effect.

Workers' Compensation

Employees are covered under the workers' compensation program, and the Town of Greenwood pays the premium for that program. Workers' compensation pays medical coverage and wage replacement for employees injured on the job.

Unemployment Compensation

Employees of Town of Greenwood, except for elected officials, are paid unemployment compensation benefits under the state program when the employee meets the requirements for unemployment compensation. The Town of Greenwood pays the cost of this benefit.

Education and Training

When the Town of Greenwood requires employees to participate in training programs, all training costs are paid or reimbursed by the Town of Greenwood. The time an employee spends away from work to attend the training program is considered work

time. Authorization to attend professional seminars and certification courses are decided on a case-by-case basis by managers, within the constraints of the training and education budget.

LEAVE TIME

Work Leave Time

Leave time refers to normal working hours not worked by employees. It may be paid time or unpaid. Regular full-time city employees are eligible for paid holidays, vacation, and sick leave, as well as some other types of leave time required by circumstances. Holidays are those designated days that Town of Greenwood offices are closed to business.

The employees' supervisor or manager must approve all leave time. Supervisors and managers keep copies of leave slips for time requested. Leave time is entered on each employee's time sheet for that period.

Unauthorized absence time is time away from work not authorized by the appropriate manager. Employees will not be paid for this type of absence; unauthorized absences may result in disciplinary action.

PAID TIME OFF

Holidays

Town of Greenwood pays a certain number of holidays each year, by policy. Holidays normally consist of New Years Day, Good Friday, Memorial Day, Independence Day, Labor day, Veterans Day, Martin Luther King, Jr. Day, Juneteenth, Thanksgiving and the day after Thanksgiving, Christmas Eve and Christmas Day.

Certain positions must work on the holidays. For positions requiring holiday hours, the employee will be compensated at a rate of one and half times their normal hourly rate. Only one employee per Department may work holiday hours unless an emergency situation is declared by the Town Mayor.

Vacation Leave

Employees are entitled to paid time off for vacation each year. After one year of employment, Town of Greenwood employees may take their accumulated leave time off. Prior to one year of service, any time missed for vacation time approved by a supervisor will be unpaid. Vacation leave is paid according to hours accumulated per pay period.

On completion of the years of service indicated, annual vacation entitlements are as follows: 1 year – 2 weeks; 5 years – 3 weeks; 10 years – 4 weeks; 20 years – 5 weeks. For purposes of clarity, employees will begin receiving the increased amount of vacation leave listed upon completion of the listed number of years. For example, an employee starting his or her fifth year of employment will receive two weeks of vacation, but upon starting the sixth year of employment (i.e., completing the fifth year) will begin receiving three weeks of vacation.

Employees are required to take vacations annually, but can carry over not more than one week accumulated vacation leave with approval of the Town Council. It is the responsibility of the employee to book vacation leave so that it is used in the year it is earned. Unused vacation leave is paid at termination or retirement at the current rate of salary.

Sick Leave

Sick leave may be used, when it has accrued, if the employee misses work for personal illness, health care appointments or treatments, to care for members of his/her immediate family during illness or for health care appointments for immediate family members.

Sick leave accrues at one half day per pay month. An employee may use sick leave as it is accumulated (4 hours per month for full-time regular employees) even during the probationary period of employment.

Employees, when using sick leave for scheduled health care appointments, are required to notify their managers at least a day in advance of the requested sick leave.

The Town manager or Police Chief may request that their employees furnish a medical leave slip from their health care provider, for medical appointments. The Town Manager and Police Chief shall request that employees furnish a medical leave slip from their health care provider when the sick leave extends beyond three days or the employee has missed more than five days of work for sickness within the calendar year.

Employees may accumulate up to 240 hours of sick leave (30 working days). At that point sick leave no longer accrues, until the balance of hours drops below the 240 hour maximum. Employees who have exhausted sick pay must take unpaid time from work, when authorized, and may request vacation or use other paid leave time they may have accrued. **Employees leaving Town of Greenwood employment for any reason are not compensated for any accrued sick leave.**

Time spent recuperating from an illness that strikes an employee while on vacation leave can be taken as sick leave, provided that employees furnish a medical leave slip from their health care provider. As soon as possible, the employee's vacation timesheet should be changed to reflect the hours claimed as sick leave.

Emergency or Bereavement Leave

Each employee is entitled, after six months of employment, in the case of a serious illness or death of an immediate family member, is eligible for three days of leave with pay (prorated for part time employees). For purposes of this type of leave, immediate family consists of the employee's spouse, children, parents, siblings, parents-in-law, grandparents, or grandchildren.

UNPAID TIME OFF

Military Leave, Voting, and Jury Duty

Full-time regular employees will be granted unpaid leave to participate in ordered and authorized field training under the National Defense Act, up to two weeks in a calendar year.

Individuals who are deployed for military service will be provided leave in accordance with applicable federal law.

A reasonable amount of time will be given employees to vote in public elections. Permission from the immediate supervisor should be requested before using time to vote.

Employees selected for jury duty will be permitted to take leave as needed for jury service. The first three days of jury duty will be treated as paid leave; absences for jury duty beyond three days will be treated as unpaid leave, unless the employee chooses to use accrued vacation leave.

An employee who is called upon to serve as a witness in a court proceeding will be granted leave. Such leave will be unpaid unless the employee chooses to use accrued vacation or sick leave.

Volunteer Emergency Responders

The Town will provide unpaid leave in accordance with the Volunteer Emergency Responders Job Protection Act for those employees who are absent from work as a result of serving as a volunteer emergency responder in connection with (i) a Governor-declared state of emergency lasting up to 7 consecutive days, (ii) a President-declared national emergency lasting up to 14 consecutive days, or (iii) an injury sustained in connection with service during such an emergency. Employees will be required to provide documentation as to any such absences.

Family and Medical Leave Act (FMLA)

In accordance with federal law, the Town of Greenwood, **only if and when required to do so by law**, will grant 12 weeks of unpaid leave of absence for employees (1) to care for a family member with a serious health condition, (2) because a serious health condition of an employee makes the employee unable to perform the functions of his or her job, or (3) in conjunction with the birth, adoption or foster placement of a child. This leave will be granted to any employee who has been employed by Town of Greenwood at least 12 months and has worked 1,250 hours within the 12 months immediately preceding the date of the leave.

The employee must give advance notice of 30 days for foreseeable events like planned medical treatment. For medical emergencies, the employee must give notice as promptly as possible.

Parenting leave begins at the time requested, but no later than six weeks after the birth or adoption, or when the child leaves the hospital, whichever is later.

Upon request for medical leave, Town of Greenwood will require certification of the condition from an appropriate health care provider. Depending upon the need which is certified, leave may be taken intermittently or on a reduced leave schedule.

Employees on FMLA leave may be required to take accrued vacation or sick leave concurrently.

INCLEMENT WEATHER POLICY

Whenever either the offices of Sussex County or the State of Delaware offices located in Sussex County are closed as a result of inclement weather (i.e. snow, hurricane, etc.), the business offices of the Town of Greenwood shall also be closed. Whenever either the offices of Sussex County or the State of Delaware offices located in Sussex County open late because of inclement weather, the business offices of the Town of Greenwood shall open at the same time as the earliest opening Sussex County or State of Delaware offices. Employees shall be paid at their regular rate of pay for any day the employee was regularly scheduled to work and the business offices of the Town of Greenwood were closed. Should an employee not report to work on a day the business offices of the Town of Greenwood are open and that employee was scheduled to work, the employee shall have the option to either use a vacation day pursuant to the policies outlined herein or elect to not be paid for the missed work day. This "Inclement Weather Policy" shall not pertain to the Greenwood Police Department.

EMPLOYEE PERSONNEL RECORDS

Personnel Files

In each employee's files, records regarding position, pay and other employee status actions will be retained. Other items that may be contained in the file are written notes of explanation, grievances filed, employee forms for taxes and retirement application. The file may also contain disciplinary actions, awards received, training records, and performance reviews. Access to the file is by appointment with the Town Manager or his designate. If the employee prefers, personal information such as phone and address can be omitted from the file. Employee medical records will be kept in a separate, confidential file in the Town Manager's office.

Leave Records

Records of leave accrual and leave taken are kept with payroll information in employee records. These records are updated with payroll information. Changes in leave requested or taken can be corrected on the time sheet or by notice to the human resources or payroll department.

EMPLOYEE DISCIPLINE

At-Will Employment

Since employees of Town of Greenwood are employed "at will" dismissal can take place at any time and for any reason, with or without notice. Discipline or dismissal may result from such policy violations as insubordination, dangerous behavior or horseplay, felony or misdemeanor conviction, neglect of duty, drug or alcohol use, theft or unauthorized use of Town of Greenwood resources, falsification of documents, incompetence, or other actions that violate policies or disrupt the workplace.

In the event of dismissal, the employee will be provided with such notice and any rights to be heard to the extent required by law.

Dispute Resolution / Grievances

Town of Greenwood wishes to prevent circumstances that lead to grievances. When a dispute occurs, it is to be resolved promptly. Employee will not face adverse consequences for filing a grievance. Grievances may be filed alleging unfair treatment, improper application of regulations and benefits of employment, and for improper working conditions.

Informal grievance is the first step in the process, attempting to resolve the problem through an informal meeting with the supervisor. If this attempt to resolve the problem fails, a more formal grievance, in writing, should be filed. This formal grievance, signed by the employee, is presented to his/her supervisor within two weeks of the occurrence. The employee should include a statement regarding what action they are requesting be taken as a result of the grievance.

The responsible manager or supervisor will initiate an appropriate investigation and will take steps to resolve the grievance. The manager or supervisor should immediately notify the Town Manager of the grievance. All documentation should be held by the Town Manager. The employee may appeal to the Town Manager at any time during the process if dissatisfied with the resolution of the grievance. Failure to appeal will imply agreement with the resolution.

Separation From Employment

Separation usually results from resignation, retirement, layoff, termination, or death. If the reason is resignation, an employee is requested to give notice in writing at least two weeks before the last day of work. For separation due to retirement, more notice is requested. Layoff may occur if a position is eliminated or when there is a lack of funding or work. Termination can occur for any reason; however Town of Greenwood intends to work with employees, where practicable in the Town's judgment, to avoid involuntary separation.

Payment for the employee separated because of resignation, retirement, layoff or death will be made on the next scheduled payday. In the event of involuntary separation, payment will be made as soon as practical but not later than the next scheduled payday. The final check will include vacation time as appropriate based upon the employee's vacation leave balance.

Insurance Continuation After Separation

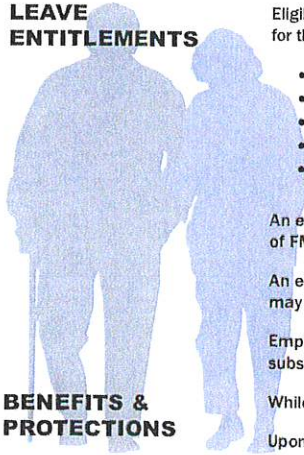
The Consolidated Omnibus Reconciliation Act of 1985 (COBRA) permits employees leaving their employer to have the option of continuing some of their benefits (health insurance and dental insurance) at their own expense. A person employed by the Town of Greenwood, enrolled in the employee health plan, **if and when the Town is required by law to do so**, can choose to continue the insurance coverage if his/her position is lost due to reduction in hours or termination of employment. The spouse of an employee can choose to continue the coverage at his/her expense in the case of the death of the employee, termination of the employee, divorce or legal separation from spouse, or if the spouse qualifies for coverage by Medicare. Similar circumstances would permit the child of a separated employee to continue the coverage. Coverage may be continued for eighteen months, and in some circumstances, up to three years. The human resources department will be able to provide more information on the COBRA options for affected employees and dependents. Eligibility for COBRA continuation coverage is subject to eligibility criteria set forth under federal law.

APPENDICES

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

LEAVE ENTITLEMENTS



Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within one year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

BENEFITS & PROTECTIONS

ELIGIBILITY REQUIREMENTS

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

*Special "hours of service" requirements apply to airline flight crew employees.

REQUESTING LEAVE

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

EMPLOYER RESPONSIBILITIES

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

ENFORCEMENT

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.



For additional information or to file a complaint:

1-866-4-USWAGE

(1-866-487-9243) TTY: 1-877-889-5627

www.dol.gov/whd

U.S. Department of Labor | Wage and Hour Division



Takes effect January 1, 2019



STATE OF DELAWARE DEPARTMENT OF LABOR
DIVISION OF INDUSTRIAL AFFAIRS

4425 N. MARKET STREET, 3RD FLOOR
WILMINGTON, DE 19802
(302) 761-8200

BLUE HEN CORPORATE CENTER
655 S. BAY ROAD, SUITE 2H
DOVER, DE 19901
(302) 422-1134

Employers must distribute this information sheet to new employees at the commencement of employment and to existing employees by July 1, 2019

Download this Notice at www.dol.delaware.gov

8 GEORGETOWN PLAZA, SUITE 2
GEORGETOWN, DE 19947
(302) 422-1134

DELAWARE SEXUAL HARASSMENT NOTICE

The Delaware Discrimination in Employment Act

The Delaware Discrimination in Employment Act protects all individuals against discrimination in the workplace based on gender. Sexual harassment is a form of gender discrimination. A new law against sexual harassment passed in 2018 extends protections to all individuals, in all workplaces, including employees, applicants, apprentices, staffing agency workers, independent contractors, elected officials and their staff, agricultural workers, domestic workers, and unpaid interns.

Sexual Harassment and the Law

Sexual harassment of an employee is unlawful when the employee is subjected to conduct that includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an employee's employment; (2) submission to or rejection of such conduct is used as the basis for employment decisions affecting an employee; or (3) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

Some Examples of Sexual Harassment

- unwelcome or inappropriate touching
- threatening or engaging in adverse action after someone refuses a sexual advance
- making lewd or sexual comments about an individual's appearance, body, or style of dress
- conditioning promotions or other opportunities on sexual favors

- displaying pornographic images, cartoons, or graffiti on computers, emails, cell phones, bulletin boards, etc.
- making sexist remarks or derogatory comments based on gender

Retaliation Is Prohibited Under the Law

It is a violation of the law for an employer to take action against you because you oppose or speak out against sexual harassment in the workplace. The Delaware Discrimination in Employment Act prohibits employers from retaliating or discriminating against any person because that person opposed an unlawful discriminatory practice. Retaliation can occur through direct actions, such as demotions or terminations, or more subtle behavior, such as an increased work load or being transferred to a less desirable location. The Delaware Discrimination in Employment Act protects individuals against retaliation who have a good faith belief that their employer's conduct is illegal, even if it turns out that they were mistaken.

Report Sexual Harassment

If you have witnessed or experienced sexual harassment inform a manager, the equal employment opportunity officer at your workplace, or human resources as soon as possible.

Report sexual harassment to the Delaware Department of Labor Office of Anti-Discrimination. Call 302-761-8200 or 302-424-1134 or visit

<https://dia.delawareworks.com/discrimination/>

to learn how to file a complaint or report discrimination. The Department can investigate or mediate your complaint and may be able to help you collect lost wages and other damages.

Sponsor: _____
First Reading: _____
Second Reading: _____

GREENWOOD ORDINANCE NO. C-14

**AN ORDINANCE ESTABLISHING A VOTER REGISTRATION PROGRAM FOR
MUNICIPAL ELECTIONS IN THE TOWN OF GREENWOOD**

WHEREAS, Section 7(g) of the Greenwood Town Charter authorizes the Town Council to “enact such ordinances concerning the registration of qualified voters for municipal elections in the Town as it deems reasonably necessary to provide for the orderly and efficient conduct of municipal elections; provided that no such ordinances shall alter the qualifications of voters as hereinabove set forth, nor shall any such ordinances unduly impair the right to vote in a municipal election”;

WHEREAS, the Delaware Department of Elections has a voter registration program and the Town Council finds that it is in the best interest of the Town of Greenwood to utilize the Delaware Department of Elections’ voter registration system;

NOW THEREFORE, be it hereby enacted by the Town Council of the Town of Greenwood, a majority thereof concurring in Council duly met, that Ordinance C-14 is hereby enacted as follows:

**AN ORDINANCE ESTABLISHING A VOTER REGISTRATION PROGRAM FOR
MUNICIPAL ELECTIONS IN THE TOWN OF GREENWOOD**

Section 1. Registration.

1. Except as provided in the Charter of the Town of Greenwood (“the Charter”), the registration of voters in the Town of Greenwood shall be governed by and conducted in accordance with the provisions of Title 15 of the Delaware Code.
2. A bona fide resident of the Town of Greenwood who meets the qualifications set forth in the Charter and in Section 2 of this Ordinance and who is registered to vote for elections through the Delaware Department of Elections (“the Department”) shall be deemed registered to vote in elections of the Town of Greenwood.
3. The Town of Greenwood shall use the State of Delaware’s Voter Registration System as the source of the Town of Greenwood’s list of registered bona fide resident voters. The Town of Greenwood and the Department shall enter into an agreement that specifies the responsibilities of each party relating to registering voters, maintaining voter records, and providing Election Day support.

4. The Town of Greenwood shall maintain its own voter registration system as the source of the Town of Greenwood's list of registered nonresident voters. The Town of Greenwood shall publish and post a schedule of when eligible nonresident voters may register to vote.

Section 2. Qualifications.

1. Resident of the Town. To qualify to register to vote in any municipal election or special election of the Town of Greenwood, an individual who is a bona fide resident of the Town of Greenwood must:
 - a. Be a citizen of the United States of America;
 - b. Be at least eighteen (18) years of age at the time of the election; and
 - c. Continuously have been a bona fide resident for a period of at least thirty (30) days prior to the election
2. Non-Resident of the Town. Except as otherwise provided in Section 3 and Section 32 of the Charter, non-residents are not permitted to vote in Town of Greenwood elections.
 - a. To qualify to register to vote in a special election under Section 3 of the Charter, a non-resident of the Town of Greenwood must be an individual or legal entity owning record title to real property in a parcel proposed for annexation.
 - b. To qualify to register to vote in a special election under Section 32 of the Charter, a non-resident of the Town of Greenwood must be an individual or legal entity owning record title to real property in the Town of Greenwood.
3. Definitions.
 - a. "Bona Fide Resident" means an individual who physically resides within the corporate limits of the Town with the actual intent to make that residence that person's fixed and permanent home.

Section 3. Procedure. The Town of Greenwood Municipal Election must be conducted pursuant to Subchapters IV and V, Chapter 75 of Title 15 of the Delaware Code.

Section 4. Requirements. No person shall vote or be allowed to vote in any municipal election or special election of the Town of Greenwood unless such person is properly registered to vote for state elections in accordance with Title 15 of the Delaware Code or is otherwise qualified to vote as required in the Charter.

Section 5. Voter Identification. Persons appearing to vote shall present proof of identity and address pursuant to Title 15, Chapter 75 of the Delaware Code. Once determined eligible, the voter shall print the voter's legal name, address, and record the voter's signature on the appropriate election document prior to voting.

Section 6. Registration Deadlines.

1. Resident voters shall be required to have properly registered with the Department to be permitted to vote at a Town of Greenwood election.
2. Non-resident voters shall be required to register with the Town Manager of Greenwood to be permitted to vote at a Town of Greenwood special election.
3. Regular and Municipal Elections. In accordance with 15 Del. C. § 7550(d), the Town Manager shall close the registration records 30 days prior to the date of the election and only those voters properly registered as of that time shall be entitled to vote at the following election.
4. Special Elections. In accordance with 15 Del. C. § 2037 and § 7550(d), the Town Manager of Greenwood shall close the registration records 10 days prior to the date of a special election and only those voters properly registered as of that time shall be entitled to vote at the following special election.
5. If the deadline for registration set forth in this Section 6 falls on a Saturday, Sunday, or holiday, the deadline shall be the next day that is not a Saturday, Sunday, or holiday.
6. Mail applications postmarked on or before the deadline for registration set forth in this Section 6 shall be considered to be on-time and shall be immediately processed by the Department and the Town of Greenwood. If applications for voter registration are taken by agencies in accordance with Title 15, Chapter 20, Subchapter VII of the Delaware Code on or before the deadline, those applications shall be considered on-time and shall be processed by the Department immediately upon receipt.
7. The registration records of the Town shall remain closed until the day after the election.

Section 7. Custodian of Registration Records. The Town Manager of Greenwood shall be the custodian of the permanent registration records. The removal of registration records from Town Hall shall be done only with the express consent of the Town Manager.

Synopsis

This Ordinance outlines the procedure for voter registration in elections in the Town of Greenwood. These updates bring the Town's regulations into compliance with recent changes the Delaware State Code and eliminates the requirement for dual registration with the State Department of Elections.

This shall certify that this is a true and correct copy of Ordinance C-14 duly adopted by the Town Council of the Town of Greenwood at a duly-noticed and convened meeting at which a quorum was present on _____, 2022.

So certifies:

Attest: _____
Council Secretary

Mayor

Public Hearing Published: _____
Public Hearing: _____
Adopted: _____

GREENWOOD ORDINANCE NO. A-9-A

AN ORDINANCE AMENDING ORDINANCE A-9 REGULATING THE KEEPING AND MAINTAINING OF ANIMALS WITHIN THE TOWN OF GREENWOOD, CREATING EXCEPTIONS THEREFROM, AND PENALTIES FOR VIOLATION THEREOF.

WHEREAS, Section 29(a)(2) of the Greenwood Town Charter authorizes the Town to "provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants";

WHEREAS, Ordinance A-9 regulates the keeping and maintaining of animals within the Town of Greenwood, creating exceptions therefrom, and providing penalties for violations thereof;

WHEREAS, since the adoption of Ordinance A-9, the State of Delaware has enacted legislation regarding the regulation of the keeping and maintaining of animals;

WHEREAS, in the opinion of the Town Council, it is in the best interest of the public health, safety, and welfare to repeal in its entirety and replace said Ordinance A-9 as set forth herein; and

NOW THEREFORE, be it hereby enacted by the Town Council of the Town of Greenwood, a majority thereof concurring in Council duly met, that Ordinance A-9 "An Ordinance regulating the keeping and maintaining of animals within the Town of Greenwood, creating exceptions therefrom, and providing penalties for violations thereof" is hereby repealed in its entirety and replaced thereof with the following, to wit:

"ORDINANCE A-9-A: AN ORDINANCE AMENDING ORDINANCE A-9 REGULATING THE KEEPING AND MAINTAINING OF ANIMALS WITHIN THE TOWN OF GREENWOOD, CREATING EXCEPTIONS THEREFROM, AND PENALTIES FOR VIOLATION THEREOF.

Section 1. Definitions.

For the purpose of this Ordinance, the following definitions shall be applicable unless the context clearly indicates to the contrary:

- a. ANIMAL — Dog, cat, and any species of mammals except human beings.
- b. ANIMAL CONTROL AGENCY — An agency of the state, county, municipality, or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction.

- c. CAREGIVER — A person who provides shelter, medical care, or food to feral or free-roaming cats, lacking discernible owner identification, and works to reduce their numbers by working to spay and neuter the animals. Free-roaming cat caregivers are not owners.
- d. FERAL CAT — A cat that (i) is born in the wild or is the offspring of an owned or feral cat and is not socialized, (ii) is a formerly owned cat that has been abandoned and is no longer socialized, or (iii) lives on a farm. Feral cats may have a temperament of extreme fear and resistance to contact with humans.
- e. DOG — Either a male or female canine.
- f. HORSE-DRAWN VEHICLE — A carriage, wagon, cart, sled or sleigh or other device drawn by horses which has a passenger carrying capacity.
- g. LEASH — A cord, leash, or chain not to exceed eight (8) feet in length.
- h. OWNER — The person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of an animal.
- i. PERSON — Includes any natural person, an individual, partnership, voluntary association, society, club, firm, corporation, business trust, or any other group acting as a unit or the lessee, agent, servant, partner, member, director, officer, or employee, or any of them.
- j. PUBLIC PLACE — Any park, lake, stream, stadium, athletic field, playground, school yard, street, avenue, plaza, square, cemetery, or any other place commonly opened to the public.
- k. STREET — All streets, avenues, highways, boulevards, parkways, roads, lanes, bridges, alleys, and the approaches thereto, docks built for use of the public, curbs, sidewalks, recreation, and park lands used for vehicular traffic or other public ways or thoroughfares in the Town over which the Town has jurisdiction.
- l. TRAP-NEUTER RETURN (TNR) PROGRAM — A program in which healthy, feral, semi-feral, or free roaming cats lacking discernible owner identification are sterilized, vaccinated against rabies, ear-tipped and returned to a safe location near or where they were found.

Commented [JS1]: This definition comes from our existing ordinance.

Commented [JS2]: This definition comes from our existing ordinance.

Commented [JS3]: This definition comes from our existing ordinance.

Commented [JS4]: This definition comes from our existing ordinance.

Commented [JS5]: This definition comes from our existing ordinance.

Section 2. Control of Dogs, Cats, and Other Animals.

- a. **Dogs running at large; exceptions.** Dogs shall be maintained in accordance with the 16 Del. C. § 3048F (Dogs Running At Large), as may be amended subject to the following exceptions:
1. Such restriction shall not apply to dogs owned by the Greenwood Police Department or any other law enforcement agency and which dogs are maintained as Police K-9 units while under the custody and control of the dog's trainer or handler.
- b. **Dog License Required.** The owner or lawful possessor of any dog shall obtain a license for said dog pursuant to 16 Del. C. § 3042F (Fees for Dog Licenses), as may be amended.
- c. **Leash required; exceptions.**
1. Except as otherwise provided, no animal shall be permitted in or upon any public street, sidewalk, alley, park, parkway or other public place in the Town or in or upon any property belonging to said Town unless said animal is on a leash and is under the complete control of the person owning or, at the time, in possession of said animal.
 2. This leash requirement shall not apply to cats.
 3. Notwithstanding anything in this Ordinance to the contrary, no person shall be compelled to keep any animal in his possession on a leash while in or upon any public street, alley, parkway or other public place in the Town if, at the time, said animal is securely confined in an automobile provided that the animal is safe and its welfare is not endangered by such confinement in accordance with Delaware State Code Title 11, Chapter 5, Subchapter VII, Cruelty to Animals, as may be amended.
- d. **Noisy animals.** No person shall keep any animal which causes frequent or long-continued noise so as to disturb the comfort or repose of any person in the vicinity. Any violation of this section, in addition to the penalties set forth in this Ordinance, is declared to be a nuisance and as such may be abated.
- e. **Authorization for Animal Control Official.** This Ordinance shall be enforced by an Animal Control Agency or an Animal Control Official.
- f. **Right of entry by Animal Control Official or designee; impoundment.** Upon presentation of proper credentials, an Animal Control Official, a Town of Greenwood Code Official, or Greenwood Police Officer may enter upon the yards of private property in order to enforce the provisions of this Ordinance. The Animal Control Official or duly authorized representative(s) may impound all animals over the age of six months that are untagged, as provided for in this Ordinance, or that are in or upon any private property without the permission and consent of the owner of such property or that are in or upon any public street, alley, sidewalk, park, or other public place unleashed.

- g. **Redemption of impounded animals; costs.** The owner of any dog apprehended and impounded by the Animal Control Official may reclaim said dog upon the payment of any fine and cost imposed for any violation of this chapter, or the Delaware State Code, in accordance with Delaware State Code Title 16 Chapter 30F, Animal Welfare, as may be amended.
- h. **Obstruction of Animal Control Agency / Official.** No person shall willfully oppose, restrict, delay or obstruct the Animal Control Officer in the discharge or attempt to discharge or perform any act or duty authorized or prescribed herein.
- i. **Violations and penalties.** Unless otherwise established herein, the following fines and penalties shall apply to this Ordinance:
 - 1. Any person found guilty of violating the provision of this article shall forfeit to the Town of Greenwood a fine of not less than \$25 but not more than \$300, plus the costs of prosecution.

Section 3. Prohibited Animals.

- a. **Keeping or slaughtering of certain animals within Town limits.** No person shall keep or slaughter any swine, cow, bull, sheep, goat, goose, duck, hen, rooster, turkey or like animal or other farm animal within the Town of Greenwood unless in conformity with the Greenwood Zoning Code, and properly licensed and inspected by the appropriate state agencies.
- b. **Exception for parade animals.** Animals used in parades where a Town of Greenwood parade permit has been issued are exempt from the provisions of this Ordinance.
- c. **Violations and penalties.** Any person found guilty of violating the provision of this article shall forfeit to the Town of Greenwood a fine of not less than \$100 but not more than \$500, plus the costs of prosecution.

Section 4. Horse-Drawn Vehicles

- a. **Conditions and restrictions.** The provisions of this Ordinance shall not be applicable to any person who brings into the City a horse for the purpose of providing transportation in horse-drawn vehicles carrying passengers on a fixed route under the following terms and conditions:
 - 1. Each route shall be approved by the Town Manager which may be approved or denied in the Town Manager's sole discretion.
 - 2. The horse shall not be kept or maintained within the corporate limits of the Town of Greenwood when not being used for the purpose of providing transportation.

3. Horse-drawn vehicles are prohibited from all other streets and areas within the Town of Greenwood unless specifically approved by the Town Manager for providing point-to-point transportation for special events, including but not limited to weddings, theatrical performances and funerals.
4. Owners and operators of horse-drawn vehicles are responsible for cleanup after the horses.
5. No person shall drive or operate a horse-drawn vehicle on any day or at any time that the Town Manager makes a specific determination that it would be inconsistent with other special events or public safety requirements.

Section 5. Effective Date. This Ordinance shall take effect immediately upon its adoption by the Town Council.

Synopsis

This Ordinance repeals and replaces Ordinance A-9 to amend the regulations for keeping and maintaining animals within the Town of Greenwood. Section 1 of this Ordinance establishes new definitions. Section 2 identifies illegal behaviors related to the keeping and maintaining of animals and sets forth enforcement rights including the imposition of fines. Section 3 outlines prohibited animals. Section 4 sets forth guidelines for horse-drawn carriages.

This shall certify that this is a true and correct copy of Ordinance A-9-A duly adopted by the Town Council of the Town of Greenwood at a duly-noticed and convened meeting at which a quorum was present on _____, 2022.

So certifies:

Attest: _____
Council Secretary

Mayor

AN ORDINANCE ESTABLISHING MINIMUM HOUSING
STANDARDS FOR DWELLING UNITS WITHIN
THE TOWN OF GREENWOOD.

Sec. 1.

This Ordinance shall be known and may be cited as the "Minimum Housing Standards Ordinance of The Town of Greenwood."

Sec. 2.

(a) As used in this Ordinance, the following definitions shall be applicable unless the context clearly indicates to the contrary.

(1) Approved shall mean approved in accordance in accordance with this Ordinance.

(2) Basement shall mean a portion of any dwelling located partly underground but having less than one-half ($\frac{1}{2}$) its clear floor-to-ceiling height below the average grade of the adjoining ground.

(3) Building Inspector shall mean the Town Clerk.

(4) Cellar shall mean a portion of any dwelling having one-half ($\frac{1}{2}$) or more than one-half ($\frac{1}{2}$) of its clear floor-to-ceiling height below the average grade of the adjoining ground.

(5) Dwelling shall mean a building or structure, except temporary housing, which is wholly or partly used or intended to be used for living or sleeping by human occupants.

(6) Dwelling unit shall mean a room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

(7) Full bathroom shall mean one (1) lavatory, basin, bathtub and one (1) flush water closet.

(8) Habitable room shall mean a room or enclosed floor space used or intended to be used for living, sleeping or eating purposes, excluding bathrooms, water closet compartments, laundries, foyers, pantries, communicating corridors, stairways, closets, basement recreation rooms and storage spaces.

(9) Multifamily dwelling shall mean any dwelling or structure containing three (3) or more dwelling units.

(10) Occupant shall mean any person including an owner or operator living and sleeping in a dwelling unit or rooming unit.

(11) Openable area shall mean the part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

(12) Operator shall mean any person having charge, care, management or control of any dwelling, or part of it, in which dwelling units or rooming units are let.

(13) Owner shall mean any person who, alone, jointly or severally with others, holds legal or equitable title to any dwelling, rooming house, dwelling unit or rooming unit.

(14) Plumbing shall mean water-heating facilities, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed disposal dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents, and other similar supplied fixtures, together with all connections to water or sewer lines.

(15) Premises shall mean a lot, plot, or parcel of land including the buildings and structures thereon.

(16) Rooming House shall mean any dwelling, or that part thereof containing one (1) or more rooming units, in which space is let to three (3) or more persons.

(17) Rooming Unit shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

(18) Supplied shall mean installed, furnished, or provided by the owner or operator at his expense.

(19) Two-Family Dwelling shall mean any dwelling containing two (2) dwelling units.

(20) Yard shall mean all ground, lawn, court, walk, driveway or other open space constituting part of the same premises as a dwelling.

Sec. 3.

No person shall occupy as owner-occupant nor shall any person let to another for occupancy any dwelling, rooming house, dwelling unit, or room unit which does not comply with the minimum standards set forth in this Ordinance.

Sec. 4.

The Town Clerk shall be responsible for the inspection and enforcement of this Ordinance.

Sec. 5.

(a) No owner, operator or occupant shall furnish or use any cooking equipment which does not comply with the following minimum standards:

(1) Every piece of cooking equipment shall be so constructed and installed that it will function safely and effectively and shall be maintained in sound working condition.

(2) Portable cooking equipment employing flame and cooking equipment housing gas, gasoline or kerosene as fuel for cooking are prohibited.

Sec. 6.

Every supplied facility, piece of equipment or utility, which is required under this Ordinance and every chimney and smokepipe shall be so constructed and installed that it will function safely and effectively, and shall be maintained in sound working condition.

Sec. 7.

Every foundation, exterior wall and exterior roof shall be substantially weathertight, watertight, and rodent proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

Sec. 8.

Every floor, interior wall and ceiling shall be substantially rodent proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

Sec. 9.

Every window, exterior door and basement or cellar door and hatchway shall be substantially weathertight, watertight and rodent proof, and shall be kept in sound working condition and good repair.

Sec. 10.

Every inside and outside stair, porch, and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair.

Sec. 11.

Every plumbing fixture shall be properly installed and maintained in sound mechanical condition, free from defects, leaks, and obstructions.

Sec. 12.

Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

Sec. 13.

(a) Every dwelling unit shall contain within its walls:

(1) A room, separate from the habitable rooms, which affords privacy and which is equipped with a flush water closet.

(2) A lavatory basin located in the same room as the required flush water closet, except that the requirement of a lavatory basin shall be eliminated where a bathtub exists in the same room as the flush water closet.

(3) A room, separate from the habitable room, which affords privacy to a person in the room and which is equipped with a bathtub or shower.

Sec. 14.

(a) Every kitchen sink, lavatory, basin and bathtub or shower required by this Ordinance shall be properly connected with both hot and cold water lines. The hot water lines shall be connected with supplied water-heating facilities which are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, and bathtub or shower at a temperature of not less than one hundred twenty degrees (120°) Fahrenheit even when the heating facilities required by this Ordinance are not in operation.

(b) All plumbing fixtures required by this Section shall be properly connected to the Town sewage system when it is completed. Until such time as the public sanitary sewer system is constructed and installed, all plumbing fixtures required by this Section shall be properly installed to a sanitary system approved by the Department of Natural Resources and Environmental Control of the State of Delaware.

Sec. 15.

Every multifamily dwelling shall have approved common garbage and rubbish storage or disposal facilities.

Sec. 16.

(a) Every rooming house shall be equipped with at least one (1) flush water closet, one (1) lavatory basin and one (1) bathtub or shower for each six (6) persons or fraction thereof, living within the rooming house, including members of the family of the owner or operator if they share the use of facilities. In a rooming house in which rooms are let

only to males, flush urinals may be substituted for not more than one-half ($\frac{1}{2}$) the required number of water closets. All such facilities shall be properly connected to approved water and sewerage systems. No such facilities located in a basement or cellar shall count in computing the number of facilities required by this Section except when approved by the Town Clerk.

(b) Every flush water closet, flush urinal, lavatory basin, and bathtub or shower required by this Section shall be located within the rooming house in rooms which:

- (1) Afford privacy and are separate from the habitable rooms;
- (2) Are accessible from a common hall and without going outside the rooming house;
- (3) Are not more than one story removed from the rooming unit of any occupant intended to share the facilities.

(c) Where bedding, bed linen or towels are supplied, the owner or operator shall maintain the bedding in a clean and sanitary manner, and he shall furnish clean bed linen and towels at least once each week and prior to the letting of any room to any occupant.

Sec. 17.

(a) No person shall rent any house or lot within the Town for dwelling purposes, or for the use of people intending to reside on such premises either permanently or temporarily, without sufficient sanitary toilet facilities.

(b) No dwelling within the Town shall be rented for human habitation without having on the premises both sufficient water and toilet facilities.

Sec. 18.

Every owner or operator shall advise the occupant in writing either by insertion in the lease between the parties or otherwise of the maximum number of occupants permitted in the occupied premises under this Ordinance.

Sec. 19.

(a) Every dwelling unit shall contain at least three hundred (300) square feet of habitable floor area for the first occupant, and at least one hundred (100) square feet of additional habitable floor area for each additional occupant with a minimum habitable floor area of seven hundred fifty (750) square feet.

(b) For the purposes of this Section a person under one (1) year of age shall not be counted as an occupant.

Sec. 20.

In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least one hundred (100) square feet of floor area, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least sixty (60) square feet of floor area for each occupant.

Sec. 21.

Floor area shall be calculated on the basis of habitable room area. However, closet area and hall area within the dwelling unit, where provided, may count for not more than ten percent (10%) of the required habitable floor area. At least one-half ($\frac{1}{2}$) of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet. The floor

area of any part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the floor area in computing the total floor area of the room to determine maximum permissible occupancy.

Sec. 22.

(a) No cellar shall be used for living quarters.

(b) No basement shall be used for living purposes unless:

(1) The floors and walls are substantially watertight;

(2) The total window area, total openable area and ceiling height are in accordance with this Ordinance; and

(3) The required minimum window area of every habitable room is entirely above the grade of the ground adjoining such window area, not including stairwells or access ways.

Sec. 23.

(a) Every habitable room shall have at least one (1) window which can be easily opened and which faces directly to the outdoors. The minimum openable area for such room shall be ten percent (10%) of the floor area for every sleeping room and other habitable room and for every basement recreation room except where there is some other device approved by the Building Inspector as affording adequate ventilation.

(b) Every bathroom and water closet compartment shall have at least one window facing to the outdoors and having a minimum openable area of ten percent (10%) of the floor area of such room except where there is supplied some other device approved by the Building Inspector as affording adequate ventilation.

(c) Every laundry shall have a minimum openable area of at least ten percent (10%) of the floor area of such room except where there is supplied

some other device approved by the Building Inspector as affording adequate ventilation.

(d) Whenever a window of a room faces a wall or other portion of any abutting structure which is located less than three (3) feet from the window and extends to a level above that of the ceiling of the room, the window shall not be counted in calculating window area or openable area.

(e) A skylight-type window shall be considered as a window for the purpose of this Section except in the case of a kitchen, a living room or sleeping room.

(f) Each public hall and stairway in every two-family dwelling, multifamily dwelling and rooming house shall be adequately ventilated.

Sec. 24.

(a) Every dwelling within the corporate limits of the Town shall be supplied with electricity as follows:

(1) Every habitable room shall contain at least two separate floor or wall-type convenience outlets, or one such convenience outlet and one supplied ceiling-type light fixture.

(2) Every water closet compartment, bathroom, laundry room and furnace room shall contain at least one supplied ceiling or wall-type electric light fixture.

(3) Every public hall in a dwelling shall contain at least one (1) supplied ceiling or wall-type electric light fixture.

(4) Every public hall and stairway in every two-family dwelling, multifamily dwelling and rooming house shall be adequately lighted at all times except that in a two-family dwelling an adequate lighting system which may be turned on when needed by conveniently located light switches shall be permitted instead of a full-time lighting system.

(5) Every outlet and fixture shall be properly installed and maintained in good and safe working condition.

Sec. 25.

During that time of the year when it is necessary, every owner or operator of every two-family dwelling, multifamily dwelling and rooming house shall supply adequate heat to every habitable room therein except where there are separate heating facilities for each dwelling unit, whose facilities are under the sole control of the occupant of such dwelling unit.

Sec. 26.

(a) Every dwelling shall have heating facilities which are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments within its walls to a temperature of at least seventy degrees (70°) Fahrenheit when the outside temperature is ten degrees (10°) Fahrenheit.

(b) Portable heating equipment employing a flame and heating equipment using gas, gasoline or kerosene do not meet the standards of this Ordinance and are prohibited.

Sec. 27.

(a) Every occupant of a dwelling, dwelling unit or rooming unit shall maintain in a clean and sanitary condition that part of the dwelling, dwelling unit and yard which he occupies and controls; and shall be responsible for his own misuse of areas and facilities in common.

(b) Every owner or operator of a two-family dwelling, multifamily dwelling or rooming house shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and yard.

(c) Every occupant of a dwelling unit shall keep all supplied facilities, including plumbing fixtures and cooking equipment in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in their proper use and operation.

Sec. 28.

(a) Every occupant of a dwelling unit shall dispose of all rubbish, ashes, garbage, and other organic waste in a clean and sanitary manner by placing it in approved storage or disposal facilities which are safe and sanitary. Every occupant shall provide such facilities for and within his dwelling unit and shall maintain them in a clean and sanitary manner. The owner or operator of a multifamily dwelling shall be responsible for the clean and sanitary maintenance of common storage or disposal facilities. He shall be responsible further for placing out for collection all common garbage and rubbish containers, except where such facilities are for the sole use of an occupant, under which circumstances it shall be the responsibility of the occupant to place these containers out for collection.

(b) Every owner or operator of every rooming house shall dispose of all rubbish in a clean and sanitary manner by placing it in supplied and approved storage or disposal facilities which are safe and sanitary.

Sec. 29.

(a) Every occupant of a dwelling unit shall be responsible for the extermination of any rodents or other pests in it or in the yard. In a two-family dwelling or a multifamily dwelling the occupant shall be responsible for such extermination whenever his dwelling unit is the only

one infested. When, however, infestation is caused by failure of the owner or operator to maintain a dwelling in a rodent-proof or substantially insect-proof condition, extermination shall be the responsibility of the owner or operator.

(b) Every owner or operator shall be responsible for extermination of any insects, rodents or other pests whenever infestation exists in two (2) or more of the dwelling units in any dwelling or in the shared or public areas of any two-family dwelling or any multifamily dwelling.

(c) Every owner or operator of a rooming house shall be responsible for the extermination of any rodents or other pests in it or in the yard.

Sec. 30.

No owner, operator or occupant shall cause any service equipment or utility which is required by this Ordinance to be removed, shut off or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies.

Sec. 31.

Every dwelling of three (3) or more dwelling units in which the owner or operator does not reside shall have a janitor as found necessary by the Town Clerk.

Sec. 32.

A contract effective as between owner and operator, operator and occupant or owner and occupant, with regard to compliance hereunder shall not relieve any part of his direct responsibility under this Ordinance.